

THE REAL ESTATE BROKERS ACT) **Order No. 2612**
)
Section 47) **October 7, 2009**

**Morello Bay Condominium
Winnipeg Condominium Corporation No. 579**

Background:

Morello Homes (Manitoba) Inc. ("Morello Homes") has made application to The Manitoba Securities Commission (the "Commission") requesting an Order exempting Morello Homes and its employees from the registration requirements of The Real Estate Brokers Act (the "Act") for the purpose of permitting Morello Homes and its employees to perform certain activities relating to the marketing and sale of the Morello Bay Condominium project which is comprised of a 38 unit bare land townhouse condominium project that is currently being constructed at the southwest corner of Jefferson Avenue and Adsum Drive in Winnipeg (the "Project").

Representations:

Morello Homes has represented to the Commission that:

1. Morello Homes is the registered owner of the Project.
2. Morello Homes is not registered under the Act.
3. Morello Home is attempting to sell each of the 38 units that comprise the Project.
4. Morello Homes proposes to have certain of its employees conduct the following activities (the "Activities"):
 - a. Showing potential buyers the display suites for the Project;
 - b. Distributing information about the condominium units prepared by Morello Homes;
 - c. Providing prepared information on limited upgrades to the basic condominium unit to potential buyers; and
 - d. Providing prospective buyers with a standard form of Offer to Purchase Condominium Unit (the "Offer") and all other documents required under The Condominium Act (Manitoba).
5. The Activities will be limited to units of the Project and Morello Homes' employees will not engage in any other activities involving a transaction in real estate.
6. No commission or other remuneration outside of an employee's normal salary or compensation will be paid to a Morello Homes employee conducting the Activities.
7. All of the condominium units will be sold using the Offer and all monies payable by a prospective buyer, whether by deposit or otherwise, are payable to Fillmore Riley LLP in trust.
8. In the absence of this Order, the Activities would require Morello Homes and its employees to be registered under the Act.

Decision:

The Commission is satisfied that compliance with the registration provisions of the Act would not advance the purpose of the Act and that granting the exemption would not be contrary to public interest.

Order and Conditions:

The Commission orders that, pursuant to section 47 of the Act, Morello Homes and its employees are hereby exempt from registration under the Act for the purpose of conducting the Activities and for the purpose of the sale of the condominium units comprising the Project, subject to the following conditions:

A. The employees of Morello Homes conducting the activities will not receive a commission or any other remuneration other than an employee's normal salary or compensation.

B. The employees of Morello Homes will only provide prospective buyers with the standard form of Offer and will not handle any monies relating to a transaction involving the sale of any condominium unit.

C. All deposits payable under the offer to purchase eventually concluded shall be held in trust by Fillmore Riley LLP in accordance with the Offer.

BY ORDER OF THE COMMISSION

This Order will expire on December 31, 2009.

The fee for this Order is \$ 150.00.

Director - Legal